

Remarks

Claims 1, 3, 5-40, 42-59, 61-63 and 65-72 are currently pending in the application and are subject to a restriction requirement. Claims 2, 4, 41, 60, 64 and 73-74 were cancelled previously.

Applicants note the Examiner's acknowledgement of priority.

Response to Restriction Requirement

Applicants have elected the invention of Group IV, as reflected by the amendments to the attached Claim 1 and various dependent claims.

Applicants traverse the present restriction requirement. Applicants submit that the method of use claim 61, commensurate in scope with allowed product claims, is appropriately included with the product groupings. Applicants respectfully request that method of use claim 61 be rejoined when a product claim is found to be allowable. In accordance with M.P.E.P. §821.04 and *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir. 1995), rejoinder of product claims with process claims commensurate in scope with the allowed product claims is permitted following a finding that the product claims are allowable. Applicants have retained claim 61 in the enclosed amended claims, in light of the traversal.

Applicants hereby reserve the right to file one or more divisional applications to claim non-elected or withdrawn subject matter.

Concluding Remarks

Applicants traverse the restriction requirement only with regard to the method of use claim 61, and Applicants have retained Claim 61 pending resolution of the present action. Applicants request entry of the amendments to the claims prior to any action on the merits. Applicants respectfully request prompt favorable consideration of the elected subject matter. If a telephone interview would be of assistance in advancing the prosecution of the application, Applicant's undersigned attorney invites the Examiner to telephone her at the number provided.

Respectfully submitted,

/MaCharri Vorndran-Jones/
MaCharri Vorndran-Jones
Attorney for Applicants
Registration No. 36,711
Phone: 317-276-1665

Serial No.: 10/539477

Docket: X-15460

Eli Lilly and Company
Patent Division/
P.O. Box 6288
Indianapolis, Indiana 46206-6288

30 May 2007